

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 13, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS ALEX MORRISON, JR.,

Defendant.

No. 1:21-cr-02032-SMJ-1

**ORDER GRANTING
DEFENDANT’S UNOPPOSED
MOTION TO CONTINUE TRIAL
AND TO SET A NEW PRETRIAL
CONFERENCE AND RELATED
TRIAL DEADLINES**

**AMENDED¹ CASE
MANAGEMENT ORDER**

Before the Court, without oral argument, are Defendant Thomas Alex Morrison Jr.’s Unopposed Motion to Continue Trial and to Set a New Pretrial Conference and Related Trial Deadlines, ECF No. 22, and related Motion to Expedite, ECF No. 24. Defense counsel Paul E. Shelton requests a continuance of the pretrial motions filing deadline, the pretrial conference, and the trial, to allow more time to examine discovery, prepare any related motions, and prepare for trial. Defendant supports counsel’s request for a trial continuance for the articulated

¹This Order amends and supersedes in part the Court’s September 9, 2021 Case Management Order, ECF No. 19.

1 reasons. ECF No. 23.² Assistant U.S. Attorney Michael Davis Murphy, appearing
2 on behalf of the Government does not oppose the request. ECF No. 22 at 1.

3 The Indictment was filed on August 10, 2021. ECF No. 1. Defense counsel
4 appeared for Defendant on September 1, 2021. ECF No. 12. This is Defendant's
5 first request for a continuance.

6 To ensure defense counsel is afforded adequate time to review discovery,
7 prepare any pretrial motions, conduct investigation, and prepare for trial, the Court
8 grants the motion, extends the pretrial motion deadline, and resets the currently
9 scheduled pretrial conference and trial dates. The Court finds that Defendant's
10 continuance request is knowing, intelligent, and voluntary, and that the ends of
11 justice served by granting a continuance outweigh the best interest of the public and
12 Defendant in a speedy trial. The delay resulting from Defendant's motion is
13 therefore excluded under the Speedy Trial Act.

14 Counsel are advised that all second or successive continuance requests will
15 be closely scrutinized for the necessity of more time to effectively prepare, taking
16 into account the exercise of due diligence.

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18 ² Due to the public health advisories and other restrictions imposed in response to
19 the COVID-19 pandemic, the Court has permitted counsel to submit Defendant's
20 Statement of Reasons in Support of Motion to Continue, ECF No. 23, with
counsel's certification that Defendant has reviewed the document and consents to
counsel signing the statement of reasons on his behalf.

1 Having considered the parties' proposed case schedule and deadlines, the
2 Court now enters the following Amended Case Management Order, which sets forth
3 the deadlines, hearings, and requirements the parties will observe in this matter. To
4 the extent this Order conflicts with any previously entered Orders in this matter, this
5 Order shall govern. All counsel are expected to carefully read and abide by this
6 Order and such provisions of the current CMO which have not been superseded
7 hereby. The Court will grant relief from the requirements in this Order only upon
8 motion and good cause shown.

9 Accordingly, **IT IS HEREBY ORDERED:**

10 **1.** Defendant's Unopposed Motion to Continue Trial and to Set a New
11 Pretrial Conference and Related Trial Deadlines, **ECF No. 22**, and
12 related Motion to Expedite, **ECF No. 24**, are **GRANTED**.

13 **2.** The Court finds, given defense counsel's need for time to review
14 discovery, prepare any pretrial motions, conduct investigation, and
15 prepare for trial, that failing to grant a continuance would result in a
16 miscarriage of justice and would deny defense counsel the reasonable
17 time necessary for effective preparation, taking into account the
18 exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(i),(iv). The
19 Court, therefore, finds the ends of justice served by granting a
20

continuanance in this matter outweigh the best interest of the public and Defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

3. **Original CMO.** Counsel must review the provisions of the original September 9, 2021 CMO, ECF No. 19, and abide by those procedures which remain in full force and effect and are incorporated herein except for the new compliance deadlines in the following Summary of Amended Deadlines.

4. **Pretrial Conference**

A. The current pretrial conference date of October 19, 2021, is **STRICKEN** and **RESET** to **January 19, 2022**, at **9:30 A.M.** in **YAKIMA**. At this hearing, the Court will hear **ALL** pretrial motions that are noted for oral argument.

B. All Pretrial Conferences are scheduled to last no more than **thirty (30) minutes**, with each side allotted **fifteen (15) minutes** to present their own motions and resist motions by opposing counsel. If any party anticipates requiring longer than fifteen minutes, that party must notify the Courtroom Deputy at least seven (7) days prior to the hearing. **Any party who fails to provide this notice will be limited to fifteen (15) minutes.**

1 **C.** If a case has more than one defendant, the Court will construe
2 any motion, including motions to continue, as applying to *all*
3 defendants, unless that defendant indicates they do not wish to
4 be joined in the motion. **Defendants thus do not need to file**
5 **motions to join.**

6 **D. *Sealed Documents.*** Any and all sealed documents (i.e. medical
7 records etc.) shall be filed by the parties under the sealed event
8 as a sealed document. The parties are not required to file a
9 separate motion to seal the documents. The parties shall file any
10 objections to the sealed document(s) by **no later than five days**
11 after the filing of the sealed document(s).

12 **E.** If a motion is to be heard with oral argument, and a party plans
13 to call witnesses or present exhibits, that party must file an
14 exhibit and/or witness list by no later than **seventy-two hours**
15 before the hearing on the motion.

16 **F.** If a party intends to use a laptop, thumb drive, or DVD or CD
17 for presentation of documents, or audio or video recordings, that
18 party must contact the Courtroom Deputy at least **two weeks**
19 prior to the hearing and confirm the compatibility of the
20 technology and equipment.

G. If a party intends to use a demonstrative exhibit, such as a PowerPoint presentation, it must be submitted to the Court and all opposing parties at least **twenty-four hours** prior to its intended use.

5. Trial. The current trial date of November 8, 2021, is **STRICKEN** and **RESET** to **February 14, 2022**, at **9:00 A.M.** in **YAKIMA**. The **final** pretrial conference will begin at **8:30 A.M.**

6. Pursuant to 18 U.S.C. § 3161(h)(7)(B)(i) and (iv), the Court **DECLARES EXCLUDABLE** from Speedy Trial Act calculations the period from **October 7, 2021**, the date defense counsel moved to continue, through **February 14, 2022**, the new trial date, as the period of delay granted for adequate preparation by counsel.

7. Summary of Deadlines

Rule 16 expert summaries produced to other parties and email to Court: USAO's Experts: Defendant's Experts: USAO's Rebuttal Experts:	December 22, 2021 December 29, 2021 January 5, 2022
All pretrial motions, including discovery motions, <i>Daubert</i> motions, and motions <i>in limine</i> , filed	December 15, 2021
PRETRIAL CONFERENCE <i>Deadline for motions to continue trial</i>	January 19, 2022 9:30 A.M. - YAKIMA
CIs' identities and willingness to be interviewed disclosed to Defendant/s (if applicable)	January 31, 2022

Grand jury transcripts produced to Defendant/s Case Agent: CIs: Other Witnesses:	January 31, 2022 January 31, 2022 January 31, 2022
Exhibit lists filed and emailed to the Court	February 4, 2022
Witness lists filed and emailed to the Court	February 4, 2022
Trial briefs, jury instructions, verdict forms, and requested voir dire filed and emailed to the Court	February 2, 2022
Exhibit binders delivered to all parties and to the Court	February 4, 2022
Delivery of JERS-compatible digital evidence files to the Courtroom Deputy	February 4, 2022
Trial notices filed with the Court	February 4, 2022
Technology readiness meeting (in-person)	February 7, 2022

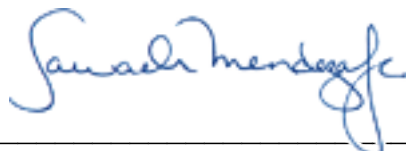
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FINAL PRETRIAL CONFERENCE	February 14, 2022 8:30 A.M. - YAKIMA
JURY TRIAL	February 14, 2022 9:00 A.M. - YAKIMA

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel, the U.S. Probation Office, and the U.S. Marshals Service.

DATED this 13th day of October 2021.



SALVADOR MENDOZA, JR.
United States District Judge